UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAVID BRAUN, on behalf of himself and all other similarly situated consumers,

Plaintiff,

vs.

MRS BPO, LLC.

Defendant.

Civil Action No.:

COMPLAINT

Plaintiff, David Braun (hereinafter "Plaintiff"), on behalf of himself and all other similarly situated consumers, by and through undersigned counsel, hereby alleges against Defendant, MRS BPO, LLC (hereinafter "Defendant"), as follows:

PRELIMINARY STATEMENT

1. This is an action for damages arising from Defendant's violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et seq.* (hereinafter "FDCPA").

JURSIDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 15 U.S.C. §1692k(d).

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because Plaintiff resides here, and the acts and transactions occurred here.

PARTIES

4. Plaintiff is a natural person, who at all relevant times has resided in Spring Valley, New York, 10977 and is a “consumer” as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA.

5. Defendant is a corporation doing business in the State of New York, with its corporate address as 1930 Olney Ave. Cherry Hill, New Jersey 08003, and is “debt collector” as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA in that they regularly attempt to collect on debts primarily incurred for personal, family or household purposes.

FACTUAL STATEMENT

6. On or about November 5, 2015, Defendant sent Plaintiff the letter attached as Exhibit A, presenting the “balance owed” as $4,481.12.

7. Exhibit A sought to collect a purported credit card debt incurred for personal, family or household purposes and not for business purposes.

8. Upon information and belief, Exhibit A was Defendant’s first letter communication to Plaintiff.

9. The underlying credit card debt being collected upon by Defendant has been and continues to accrue interest.

10. As of the date of Defendant’s letter, the amount owed has increased as a result of the underlying interest rate; therefore, the amount Defendant purports as the “balance owed” is in fact incorrect.

11. Moreover, the letter fails to explain whether the balance due consists of unpaid principal, or whether a portion of that amount includes interest.

12. Defendant's letter has also failed to convey to Plaintiff that interest is continually accruing, the rate it is accruing at, and the fact that at the time Plaintiff chooses to pay the debt, Plaintiff's payment will no longer cover the alleged amount owed.

13. Further, by Defendant's failure to clearly explain the current amount owed, and that it is subject to change, the least sophisticated consumer is lead to believe that in the event Defendant decides to pursue a lawsuit against Plaintiff, the amount sought would be the amount on the dunning letter. Whereas in fact, whether the Defendant themselves brings a collection lawsuit, or another debt collector, the amount being sought may legally include the interest that has accrued up until that time, and so the amount conveyed is false, deceptive and misleading.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692 *et seq*

14. Plaintiff repeats the allegations contained in the above paragraphs and incorporates them as if specifically set forth at length herein.

15. Defendant engaged in unfair and deceptive acts and practices, in violation of 15 U.S.C. §§1692e, 1692e(2), 1692e(10), 1692f, and 1692g(a) through use of their dunning letter.

16. Section 1692e provides:

> **§ 1692e. False or misleading representations [Section 807 of P.L.]**
>
> **A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .**
>
> **(2) The false representation of—**
>
> **(A) the character, amount, or legal status of any debt; . . .**

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer…

17. Section 1692f provides:

§ 1692f. Unfair practices [Section 808 of P.L.]

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. . . .

18. Section 1692g(a) provides:

§ 1692g. Validation of debts [Section 809 of P.L.]

(a) Notice of debt; contents. Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

(1) the amount of the debt…

CLASS ACTION ALLEGATIONS

19. Plaintiff brings this action as a class action, pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 23, on behalf of himself and all persons/consumers within the State of New York, along with their successors-in-interest, who have received similar debt collection notices/letters/communications from Defendant which, as alleged herein, are in violation of the FDCPA, as of the date of Plaintiff's Complaint (the "Class"). Excluded from the Class are Defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the Defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of Defendant. On information and belief, hundreds of persons have

received debt collection notices and/or letters/communications from Defendant, which violate various provisions of the FDCPA.

20. This Class satisfies all the requirements of FRCP Rule 23 for maintaining a class action.

21. The Class is so numerous that joinder of all members is impracticable. On information and belief, hundreds of persons have received debt collection notices and/or letters/communications from Defendants, which violate various provisions of the FDCPA.

22. The debt collection notices and/or letters/communications from Defendant, received by the Class, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer".

23. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation: (i) Whether Defendant violated various provisions of the FDCPA; (ii) Whether Plaintiff and the Class have been injured by Defendant's conduct; (iii) Whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and, (iv) Whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.

24. Plaintiff's claims are typical of the claims of the Class, and Plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

25. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted, this being specifically envisioned by Congress as a principal means of enforcing the FDCPA, as codified by 15 U.S.C. § 1692(k).

26. The members of the Class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

27. Prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties.

28. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein.

29. Plaintiff will fairly and adequately represent the Class members' interests, in that the Plaintiff's counsel is experienced and, further, anticipates no impediments in the pursuit and maintenance of the class action as sought herein.

30. Absent a class action, the Class members will continue to suffer losses borne from Defendant's breaches of their statutorily protected rights as well as monetary damages, thus allowing and enabling: (a) Defendant's conduct to proceed and; (b) Defendant to further enjoin the benefit of its ill-gotten gains.

31. Defendant has acted, and will act, on grounds generally applicable to the entire Class, thereby making appropriate a final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, David Braun, respectfully requests that this Court do the following for the benefit of Plaintiff:

A. Enter a judgment against Defendant for actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);

B. Enter judgment against Defendant for statutory damages, 15 U.S.C. § 1692k(a)(2)(A) and (B), in the amount of $1,000.00;

C. Award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k(a)3;

D. Grant such other and further relief as may be just and proper.

JURY TRIAL DEMAND

32. Plaintiff demands a jury trial on all issues so triable.

Dated this 23rd of March, 2016

Respectfully Submitted,

_/s/ Daniel Zemel_____
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